

REMARKS

Claims 24 and 27-36 have been allowed. Claims 6, 9, 12-14, 19 and 22 were objected to as being dependent on rejected claims.

Claim 6 has been made independent in the form of new claim 37, and claim 9 has been made dependent from new claim 37. Therefore, claims 6 and 9 are allowable.

Claim 10 and those claims dependent therefrom (11-22) are patentable since the cosmetically acceptable carriers have been defined, as in allowable composition claim 27.

Claims 12, 13, 14, 19 and 22 have been made independent in the form of new claims 38, 40, 42, 44, and 46. It should be noted, however, that these claims have been broadened in defining the surface modifier molecule (beyond the alkyl pyrrolidones now claimed in dependent claims 39, 41, 43, 45, 47 and 49). Claims 38, 40, 42, 44 and 46, however are still allowable since claim 38 calls for applying the composition as a salve; claim 40 calls for applying the composition as an aerosol spray; claim 42 calls for applying the composition to clothing, shoes, and/or pets; claim 44 defines the cosmetically acceptable carriers, as in allowable composition claim 27; and claim 46 calls for a synthetic smectite clay. Since these claims were indicated to be allowable in the last office action if rewritten in independent form, it is submitted that new claims 38-47 are allowable.

Claim 48 (formerly claim 23 rewritten in independent form) stands rejected as anticipated by Law (EP 846661). As stated on page 5, lines 39-42, Law '661 teaches a similar intercalate being effective for "delivery of active compounds, such as oxidizing agents for hair waving lotions, and drugs for topical administration, since extremely high viscosities are obtainable; and for admixtures of the platelets with polar solvents in modifying rheology, e.g., of cosmetics, oil-well drilling fluids, paints, lubricants, especially food grade lubricants, in the manufacture of oil and grease, and the like."

It should be noted that the claim 48 (prior claim 23) calls for a method of deactivating an allergen, e.g., poison ivy, poison oak, or poison sumak, by **applying to an allergen-exposed skin area** of an individual, **after exposure of said skin area to said allergen**, the claimed intercalated smectite clay defined broadly enough to read on the

intercalated clay of the Law '661 published European application. The question is whether new claim 48 would be inherent in, or obvious from the Law '661 publication. The answer is clearly no, as explained below.

The Law intercalated clay can be used to deliver active compounds, e.g., an oxidizing agent to the hair. When so used, the composition would contact the scalp (admittedly the skin). But an individual would not wave her hair, subjecting the scalp to oxidizing agents, after the scalp has been subjected to an allergic reaction caused by an allergen. Permanent waves (irritating oxidizing agents) will not be applied to a scalp suffering from such an allergic reaction.

The intercalate of Law '661 also can be used to deliver drugs. The delivery of active ingredients is quite distinct from the sorption of allergens, such as Urushiol. Again, for topical delivery of a drug, one would not choose an allergen-infected portion of the skin, **after exposure to an allergen**. Neither would one apply a cosmetic to an allergen-infected area. Accordingly, it is submitted that claim 48 is allowable over the Law '661 European publication.

Claim 49, dependent from claim 48, defining the surface modifier as an alkyl pyrrohidone, wherein the alkyl contains at least 6 carbon atoms, also is allowable.

It is submitted that all claims are now of proper form and scope for allowance. Early and favorable consideration is respectfully requested.

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Respectfully submitted,

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